

Atty. Dkt. No. 200311406-1

REMARKS

This reply is in response to the Office Action mailed on January 30, 2006. Claims 9-14 are allowed. Claims 15 and 16 stand rejected. Applicants request reconsideration and allowance of the present application in view of the following.

I. Rejection of claims 15 and 16.

Paragraph 1 of the Office Action rejected claims 15 and 16 as being unpatentable over Strobl (US Patent 5,360,274) in view of Adachi et al. (JP 403103614).

A. **Claim 15**

Applicants traverse the rejection of claim 15 on the basis that Strobl in view of Adachi et al does not teach or suggest "a rotatable shaft operatively coupled to the motor, the shaft having a spherical journal surface supported inside and rotatable against a cylindrical bearing surface" as required by claim 15.

To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. MPEP 2143. Here, there is no motivation to modify Strobl as alleged in the Office Action because the Strobl bearing member 1 of FIG. 1 does not rotate. As such, there is no motivation to modify the non-rotating bearing member 1 of Strobl with a rotatable roller since the non-rotating bearing would prevent rotation of the roller. Consequently, because there is no motivation to modify the non-rotatable bearing member 1 of Strobl to include a rotatable roller, Applicants submit that claim 15 is patentable over Strobl in view of Adachi et al. Withdrawal of the rejection of claim 15 is requested.

Further, a prima facie case of obviousness also requires that the prior art reference (or references when combined) must teach or suggest all the claim

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limitations. MPEP 2143. Here, none of the references disclose a rotatable shaft having a spherical journal surface supported inside and rotatable against a cylindrical bearing surface as required by claim 15. In this regard, Strobl teaches a bearing member 1, which is not "rotatable against a cylindrical bearing surface" since the outer surface 3 of bearing member 1 of Strobl does not rotate against the support ring 11 (The support ring 11 thereby limits radial and concomitant axial movement of the bearing member 1...." Strobl Col. 6, lines 15-17). Hence, since neither Strobl nor Adachi et al disclose "a spherical journal surface supported inside and rotatable against a cylindrical bearing surface" claim 15 is patentable over Strobl in view of Adachi et al. Withdrawal of the rejection of claim 15 is requested for this additional reason.

B. Claim 16

Applicants traverse the rejection of claim 16 on the basis that Strobl in view of Adachi et al does not teach or suggest "a first spherical journal on a first part of the shaft" and there is no motivation to modify the Strobl bearing member 1 to include such a shaft because the Strobl bearing member 1 of FIG. 1 does not rotate. As such, there is no motivation to modify the non-rotating bearing member 1 of Strobl with a rotatable first spherical journal since the Strobl non-rotating bearing member 1 would prevent rotation of the shaft. Consequently, because there is no motivation to modify the non-rotatable bearing member 1 of Strobl to include a shaft, Applicants submit that claim 16 is patentable over Strobl in view of Adachi et al. Withdrawal of the rejection of claim 16 is requested.

Further, the Office Action also fails to establish prima facie obviousness of claim 16 on the basis that neither Strobl, Adachi, nor Eustache disclose a "first spherical journal" as recited in claim 1. A prima facie case of obviousness also requires that the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 2143. As discussed in an earlier reply, "[i]n a journal bearing, the stationary supporting part is called the "bearing" and that portion

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of a moving part directly supported by the bearing is called the "journal." The surfaces of each of these parts that move against one another are called the "bearing surface" and the "journal surface", respectively." (July 27, 2005 Reply). The cited references do not disclose a spherical "journal." Instead, Strobl merely discloses a bearing member 1, which does not rotate but rather has an inner surface 2 for receiving a rotatable shaft (see, Strobl FIG. 1, Col. 5, lines 46-48). As such, because none of the cited references teach or suggest a spherical journal as claimed in claim 16, Applicants submit that a prima facie case of obviousness has not been established with respect to claim 16. Withdrawal of the rejection of claim 16 is requested.

II. Allowable Subject Matter

Claims 9-14 are allowed. Applicants agree with the Examiner's conclusions regarding patentability, without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicants believe that the application is allowable because the prior art fails to teach, anticipate, or render obvious the invention as claimed, independent of how the invention is paraphrased.

III. Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be

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enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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